

**REMARKS**

In accordance with the foregoing, claims 1-9, 11-20 and 22-25 are pending and under consideration.

Yano et al discusses an automobile navigation system with a touch panel interface. The system "superimposes a switch pattern over the information on the screen and executing a predetermined control action when an operator's finger approaches the switch pattern." (see Yano Abstract lines 1-7).

Matsui discusses displaying an image on a CRT. More specifically, Matsui discusses an improved pointer marker that may more clearly and smoothly point to desired images displayed on the CRT. (see Matsui col. 1, lines 6-13, col. 3, lines 1-5).

The combination of Yano and Matsui discuss an automobile navigation system with a smooth cursor movement. However, a movable cursor would not be useful in the automobile navigation system disclosed in Yano, as discussed herein below.

**ITEM 3: CLAIMS 1-9, 11-13 AND 15-17 ARE REJECTED UNDER 35 USC 102(b) AS BEING ANTICIPATED BY YANO ET AL (US 5,539,429).**

Yano is cited in the Office Action for discussing "a first mode settable to provide a first function "NAVIGATION" corresponding to the touch operation if the touch operation is detected on the touch display 26.

Applicants respectfully traverse this argument, noting that Yano discusses physical switches (SW1-SW8), as shown in FIG. 2, which select what function the display 26a will depict (i.e. NAVIGATION, TRAFFIC INFORMATION, TELEPHONE, ETC). The switches are "disposed on a front panel 26b of a CRT 26" clearly indicating that the touch panel 31 does not select a first function "NAVIGATION" based on corresponding display screen 26a touches. (see Yano col. 3, lines 14-17, FIG. 2).

In the Office Action the Examiner points out that Yano discusses "a second mode is settable to provide a second function of displaying a marker "M" for indicating a detection of the touch in a touch position if the touch operation is detected on the display screen 26a." As stated in Yano, "When either of such setting patterns is touched, the map information and the diagram data are read out from the CD-ROM 25a, while the current position data is read out from the temporary storage RAM 8. Then the road map and the road-railway diagram are displayed on the screen 26a, and also the current position mark M indicative of the current position of the

automobile is displayed on the road diagram. (The visual representation on the display screen is illustrated in FIG. 11). Therefore the driver can obtain the map information required for the navigation." (Yano, col. 6, lines 5-14) (emphasis added).

However, in Yano the display marker "M" indicates the position of the vehicle with respect to the road map, not the position of any pointing device or the touch position. (see Yano col. 6, lines 10-14, FIG. 11).

Yano further discusses the operation of the navigation map. Specifically, that "the process proceeds to step S24, where a decision is made as to whether any of the switch patterns S1-S4, W1, W2 is touched or not. If the result of the decision signifies the presence of a touch, the operation corresponding thereto is started." (see Yano col. 6, lines 26-30, FIG. 8).

In contrast, claim 1, by way of example, recites "a second mode is settable to provide a second function of displaying a marker for indicating a detection of the touch in a touch position if the touch operation is detected on said operation screen unit, the second function is provided instead of the first function or together with the first function." Here the first function corresponds to a command that is displayed on the display screen under the position indicator located at the touch position and the second function corresponds to the same touch position, and the second function may be carried out instead of the first function or together with the first function. Yano does not disclose the claimed invention.

Independent claims 5, 9, 15, 16 and 17 recite similar features.

Dependent claims 2-4, 6-8, and 11-13 also recite patentably distinguishing features of their own. For example, claim 2 recites "displaying a marker for indicating a detection of the touch in at least one of a touch position and a display position on said display device which is determined based on the touch operation if the touch operation is detected on said operation screen unit, the second function is provided instead of the first function or together with the first function." As discussed above, Yano does not discuss displaying a marker at a touch position or not carrying out an executable command at a touch position.

In view of the above, it is respectfully submitted that the rejection of claims 1-9, 11-13 is overcome.

**ITEM 10. CLAIMS 14, 18-20 AND 22-25 ARE REJECTED UNDER 35 USC 103(a) AS BEING UNPATENTABLE OVER YANO ET AL IN VIEW OF MATSUI (US 6,215,479).**

Applicants respectfully traverse the Examiner's §103 rejection as a prima facie case of obviousness has not been properly established. To establish a prima facie case of obviousness

there must be a suggestion or motivation to combine reference teachings. MPEP §2142.

The Examiner purports to show motivation by citing Matsui for the proposition that combining Matsui with Yano would "improve the image being displayed while providing an apparatus at low cost." (see Action page 8). However, as discussed above Yano does not disclose an operation mode selecting unit that chooses either a first or second operation mode for the touch operation as set forth in claim 14 of the present application.

Further, Yano discloses a console in a vehicle that may be configured to display different functions like radio knobs or navigation menus or climate control functions that may be selected through actuation of superimposed buttons on a touch screen 31. (see Yano col. 5, lines 54-64).

Assuming that Matsui contributed additional image display features to the display apparatus in Yano, there would be no motivation to cause the display in Yano to not actuate a touch switch when it is pushed by a user as the user is attempting to turn the fan on or change the volume of the radio and doesn't want their actions to be merely displayed and not executed. There would be no reason for one skilled in the art to try to incorporate Matsui's disclosed higher resolution cursors into Yano. Even if such cursors were incorporated into Yano they do not teach, disclose or suggest the present invention. Thus, the prior art does not suggest the desirability of the claimed invention and a prima facie case of obviousness has not been made. (see MPEP 2143.01).

Even assuming a prima facie case of obviousness, the elements of the present invention are not disclosed or suggested by Yano and Matsui either alone or in combination.

Independent claims 18, 19, and 20 recite similar features.

Dependent claims 22-25 also recite patentably distinguishing features of their own. For example, claim 22 recites "erasing the marker after the marker has been displayed for a predetermined time." In contrast Yano recites erasing a "key pattern" and does not discuss erasing the marker "M."

In view of the above, it is respectfully submitted that the rejection to claims 14, 18-20 and 22-25 is overcome.

## **CONCLUSION.**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: Aug 26, 2004

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